

Serial No. 10/791,187
Response to January 4, 2007 Final Office Action

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REMARKS

Claims 1-85 are pending in the present application.

Referring to the 112 indefiniteness rejection of claim 83, Applicants submit this amendment to correct the typographical error of the dependency of claim 83. Applicants respectfully request entry of this amendment.

Referring to the 103 rejections, the claims stand rejected over U.S. Patent No. 6130602 to O'Toole. However, as set forth in the response filed March 1, 2004, 35 U.S.C. §103(c) provides that subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), (g) of §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The Office has failed to demonstrate that O'Toole qualifies as prior art inasmuch as the O'Toole reference and the claimed invention were subject to an obligation of assignment to the same entity and the O'Toole reference qualifies as prior art under subsection (e) of §102. Applicants respectfully submit that the O'Toole reference may not be properly used in support of an obviousness rejection of the pending claims.

Applicants respectfully request allowance of all pending claims since the pending claims stand improperly rejected over O'Toole.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The

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undersigned is available for telephone consultation at any time during
normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated:

4/4/07

By:


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